

Case Name: James Walker v CSX Transportation, Inc.

Date Decided: September 11th, 2010

Originally Filed in: ()

Decided by: (State)

Court: Court of Appeals of Kentucky

Judge: Judge Stumbo

Citation: 2009 WL 2915259

Background:

Before this Court were an appeal and cross-appeal from a personal injury suit brought by plaintiff, James Walker ("Walker"), against defendant, CSX Transportation ("CSX"). A jury returned a verdict in favor of CSX and Walker appealed alleging erroneous evidentiary rulings.'

Walker filed suit against CSX pursuant to the Federal Employers Liability Act ("FELA") alleging that CSX failed to provide a reasonably safe work place in that it failed to educate and inform employees about carpal tunnel syndrome which Walker developed. CSX denied negligence asserting that the injuries were unforeseeable. At trial, Walker's witness, another CSX employee, was asked about other employees who had developed carpal tunnel syndrome and CSX successfully objected to the question and any testimony regarding other incidents of carpal tunnel syndrome. Moreover, Walker was unable to admit testimony from other employees about the development of carpal tunnel syndrome in other employees because the lower court sustained the previous objection by CSX.

Issue:

Did the lower court err in sustaining CSX's objection to Walker's introducing testimony of other instances of carpal tunnel syndrome?

Overall Issues Discussed or Touched Upon in this Case:

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Held:

Walker argued that he should have been allowed to introduce evidence of other instances of employees developing carpal tunnel syndrome. During the preliminary phases of this action, CSX made a motion in limine to exclude any evidence of other employees developing carpal tunnel syndrome. In response, Walker agreed not to introduce co-worker testimony regarding the syndrome and as such, waived the issue. Walker also contended that a letter he received from CSX should not have been admitted into evidence because it contained information about collateral source benefits. However, this Court, found that the lower court did not err in using its broad discretion to admit certain evidence.

Comments:

Motions in limine are made during the discovery by a party seeking to exclude evidence from even being allowed to see the light of trial. Both parties will argue in front of a judge only whom will determine whether the evidence is or is not admissible. Steve Gordon

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